

10/541270

PATENT Case No. ITR0043YP

JC14 Rec'd T/PTO 01 JUL 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Monaci, et al.

Serial No. To Be Assigned

Filed:

For: RHESUS MONKEY HER2/NEU, NUCLEOTIDES
ENCODING SAME, AND USES THEREOF

Art Unit: _____

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By _____ Date _____

10/541270

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INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

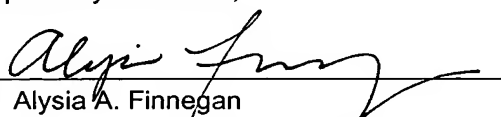
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,


 By: Alysia A. Finnegan
 Attorney _____ For Applicant(s)

Reg. No. 48,878
 MERCK & CO., INC.
 Patent Dept., RY60-30
 P.O. Box 2000
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Date: 7/1/05

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				COMPLETELY KNOWN	
				Application Number	To Be Assigned 10/541270
				Filing Date	
				First Named Inventor	Monaci, et al.
				Group Art Unit	
				Examiner Name	
Sheet 1 of 3	Attorney Docket Number ITR0043YP				

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Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			COMPLETELY KNOWN		
			Application Number	To Be Assigned 10/541270	
			Filing Date		
			First Named Inventor	Monaci, et al.	
			Group Art Unit		
			Examiner Name		
Sheet	2	of	3	Attorney Docket Number	ITR0043YP

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	E	Bargmann, et al., "The neu oncogene encodes an epidermal growth factor receptor-related protein", Nature, Vol. 319, 16 January 1986, pp. 226-230.
	F	Chartier, et al., "Efficient Generation of Recombinant Adenovirus Vectors by Homologous Recombination in Escherichia coli", J. of Virology, Vol. 70, No. 7, July 1996, pp. 4805-4810.
	G	Cheever, et al., "Immunity to Oncogenic Proteins", Immunological Reviews, No. 145, 1995, pp. 33-59.
	H	Coussens, et al., "Tyrosine Kinase Receptor with Extensive Homology to EGF Receptor Shares Chromosomal Location with neu Oncogene", Science, Vol. 230, 6 December 1985, pp. 1132-1139.
	I	Disis, et al., "Oncogenic proteins as tumor antigens", Current Opinion in Immunology, Vol. 8, 1996, pp. 637-642.
	J	Disis, et al., "HER-2/neu Protein: A Target for Antigen-Specific Immunotherapy of Human Cancer", Advances in Cancer Research, Vol. 71, pp. 343-371, 1997.
	K	Disis, et al., "Generation of T-Cell Immunity to the HER-2/neu Protein After Active Immunization With HER-2/neu Peptide-Based Vaccines", J. of Clin. Oncol., Vol. 20, No. 11, pp. 2624-2632, 2002.
	L	Disis, et al., "Cancer Vaccines Targeting the Her2/neu Oncogenic Protein", Seminars in Oncology, Vol. 28, No. 6, Suppl.18, pp. 12-20, December 2001.
	M	Foy, et al., "Vaccination with HER-2/neu DNA or protein subunits protects against growth of a HER-2/neu-expressing murine tumor", Vaccine, Vol. 19, pp. 2598-2606, 2001.
	N	King, et al., "Amplification of a Novel v-erbB-Related Gene in a Human Mammary Carcinoma", Science, Vol. 229, pp. 974-976, 1985.
	O	Lohrisch, et al., "An Overview of HER2", Seminars in Oncology, Vol. 28, No. 6, Suppl 19, December 2001, pp. 3-11.
	P	Montgomery, et al., "Heterologous and Homologous Protection Against Influenza A by DNA Vaccination: Optimization of DNA Vectors", DNA and Cell Biology, Vol. 13, No. 9, 777-792, 1993.
	Q	Press, et al., "Expression of the HER-2/neu proto-oncogene in normal human adult and fetal tissues", Oncogene, Vol. 5, pp. 953-962, 1990.
	R	Shih, et al., "Transforming genes of carcinomas and neuroblastomas introduced into mouse fibroblasts", Nature, Vol. 290, 19 March 1981, pp. 261-264.
	S	Shiver, et al., "Cytotoxic T Lymphocyte and Helper T Cell Responses following HIV Polynucleotide Vaccination", Annals New York Academy of Sciences, Vol. 772, pp. 198-208, 1996.

Examiner Signature	Date Considered
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